

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MELANIE BASS

PLAINTIFF

V.

CIVIL ACTION NO.1:06CV034 LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

ORDER

The Court has before it the motion [101] of Defendant State Farm Fire and Casualty Company (State Farm) to continue the trial of this cause. Trial is scheduled to begin on Monday, March 19, 2007, three weeks from today.

The motion asserts that this trial should not go forward until State Farm has had an opportunity to obtain post-trial rulings on motions that will concern four basic sets of issues:

1. Issues relating to venue and State Farm's motion for a change of venue;
2. Issues relating to the allocation of the burden of proof under the State Farm policy and under Mississippi law;
3. Issues relating to the admissibility of evidence during the trial of *Broussard v. State Farm Fire and Casualty Company*, 1:06cv6 LTS-RHW (the Broussard case); and
4. Issues relating to punitive damages.

State Farm contends that the Court made numerous errors of law in its rulings in *Broussard* on these issues, and State Farm contends that the trial of this action should not go forward until the Court has corrected its errors in the *Broussard* case.

I will overrule the motion for the following reasons:

1. There are no pending post-trial motions in *Broussard*, and the Court does not have any idea when or whether these post-trial motions will be filed, argued, or decided. Meanwhile, this case has been set for trial; a pre-trial order has been entered; and a jury panel has been summoned.

2. The change of venue motions [78] [97] in this case have previously been denied. I will examine the jury panel when they report for duty to ascertain whether they are qualified to act as jurors.
3. The motion to continue presents no new evidence concerning the issues State Farm asserts as grounds for relief.
4. An indefinite continuance of this action would disrupt the Court's trial schedule for the coming weeks. There are hundreds of cases on the Court's docket concerning property damage from Hurricane Katrina. These cases are in various stages of discovery, and those that are ready for trial must be tried promptly to minimize the delay in resolving the issues for each case. Thus any continuance of this matter would also necessarily affect the trial schedule for other pending cases.

State Farm will have a full and fair opportunity to argue its position on the issues and the asserted errors it has raised when its post-trial motions are filed and if and when these same issues arise in the trial of this case.

Accordingly, State Farm's motion [101] to continue the trial of this action and to stay further proceedings is hereby **DENIED**.

SO ORDERED this 26th day of February, 2007.

s/ L. T. Senter, Jr.

L. T. Senter, Jr.
Senior Judge